

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DIANE LYNN DAVIS,

Plaintiff,

v.

Civil Case No. 15-13260
Honorable Linda V. Parker

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

**OPINION AND ORDER (1) ADOPTING MAGISTRATE JUDGE'S
AUGUST 10, 2016 REPORT AND RECOMMENDATION [ECF NO. 17]; (2)
DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT (ECF
No. 14]; AND (3) GRANTING DEFENDANT'S MOTION FOR SUMMARY
JUDGMENT [ECF NO. 16]**

On March 31, 2014, Plaintiff filed this lawsuit challenging Defendant's final decision denying her application for disability and disability insurance benefits and supplemental security income under the Social Security Act. On April 1, 2014, the matter was referred to Magistrate Judge Mona K. Majzoub for all pretrial proceedings, including a hearing and determination of all non-dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(A) and/or a report and recommendation ("R&R") on all dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(B). (ECF No. 5.) The parties subsequently filed cross-motions for summary judgment. (ECF Nos. 22, 24.)

On July 15, 2015, Magistrate Judge Majzoub issued her R&R. (ECF No. 25.) Magistrate Judge Majzoub first concludes that the ALJ properly assessed Plaintiff's credibility as there was substantial evidence supporting the ALJ's finding that Plaintiff's allegations concerning the intensity, persistence, and limiting effects of her symptoms were not credible to the extent they were inconsistent with the residual functional capacity ("RFC") assessment. (*Id.* at 6-9.) The magistrate judge then concludes that the ALJ accounted for Plaintiff's mental and physical limitations in the RFC. (*Id.* at 9-11.) Finding substantial evidence in the record to support the ALJ's decision, Magistrate Judge Majzoub concludes by recommending that this Court deny Plaintiff's motion, grant Defendant's motion, and affirm Defendant's decision finding Plaintiff not disabled under the Social Security Act. (*Id.* at 11.)

At the end of her R&R, Magistrate Judge Majzoub advises the parties that they may object to and seek review of the R&R within fourteen days of service upon them. (*Id.* at 11-12.) She further specifically advises the parties that "[f]ailure to file specific objections constitutes a waiver of any further right to appeal." (*Id.* at 11.) Neither party filed objections to the R&R.

This Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Majzoub. The Court therefore adopts the

magistrate judge's July 15, 2015 Report and Recommendation and is affirming Defendant's decision denying Plaintiff social security benefits.

Accordingly,

IT IS ORDERED, that Plaintiff's motion for summary judgment (ECF No. 22) is **DENIED**;

IT IS FURTHER ORDERED, that Defendant's motion for summary judgment (ECF No. 24) is **GRANTED**.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: September 13, 2016

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, September 13, 2016, by electronic and/or U.S. First Class mail.

s/ Richard Loury
Case Manager